

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 37 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHILPA MEHTA

Versus

LALBHAI DALPATBHAI INSTITUTE OF INDOLOGY

Appearance:

MR SP HASURKAR for Petitioner

None present for Respondents No. 1, 2 and 3

MR SM MAZGAONKAR for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/02/98

ORAL JUDGEMENT

1. Heard the learned counsel for the parties and perused the special civil application, affidavit in reply as well as the rejoinder.

2. Challenge has been made by the petitioner to the order of the respondents, annexure 'B' dated 5-12-1986 under which her services were terminated.

3. This Court has protected the petitioner by grant of interim relief. However, the learned counsel for the petitioner stated that the petitioner has left the services of the respondent-institution but still the dispute regarding the backwages may survive. But the learned counsel for the petitioner is unable to say affirmatively whether anything now still survives in this special civil application. Normally, when the petitioner has decided to left the services of the institution then all of her disputes in the institution would have been settled. In the absence of anything positive and affirmative from the petitioner's counsel, it is difficult to accept that still something survives in the special civil application.

4. In the result, this special civil application is dismissed as having become infructuous on the ground that the petitioner has left the services of the respondent-institution. Still something survives in this special civil application then liberty is granted to the petitioner for revival of this special civil application. Rule discharged. Interim relief granted by this Court stands vacated.

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